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UNITED STATE DISTRICT COURT
DISTRICT OF NEVADA

RICHARD DENNIS SAUER,)	Case No.: 2:12-cv-01724-GMN-GWF
)	
Plaintiff,)	
)	
v.)	<u>MOTION TO EXTEND STAY AND</u>
)	<u>ENLARGE TIME (FIRST REQUEST)</u>
D. W. NEVEN, <i>et al.</i>)	
)	
Defendants.)	

COMES NOW Defendant, Eric Burson, by and through counsel, Catherine Cortez Masto, Attorney General, and Raelene K. Palmer, Deputy Attorney General, and hereby respectfully submits the instant Motion to extend the stay and enlarge the time to prepare the 90-Day Stay Report in the above-referenced matter. This Motion is brought pursuant to Fed.R.Civ.P. 6(b), LR 6-2, the attached Points and Authorities, and the papers and pleadings on file with the Court herein.

MEMORANDUM OF POINTS AND AUTHORITIES

I. PROCEDURAL HISTORY

Plaintiff commenced an action in this Court by filing both an Application to Proceed *in Forma Pauperis* and a Civil Rights Complaint on October 2, 2012. (See Court Docket(s) "CD(s)" #1 through #1-1). On January 8, 2013, the Court screened the Complaint and as part of the Screening Order, the Court stayed the litigation for 90 days, with instructions for the

Office of the Attorney General to file a Report on the status of settlement negotiations by March 12, 2013. (CD #7). On February 8, 2013, the Court issued an Order Setting Inmate Early Mediation Conference ("EMC"), which is presently scheduled for May 10, 2013. (CD #10). Defendant now hereby submits the instant Motion to extend the stay and enlarge the time to prepare the 90-Day Stay Report.

II. LEGAL ARGUMENT

Fed.R.Civ.P. 6(b)(1)(A) provides, in pertinent part:

(b) *Extending Time.*

(1) *In General.* When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires[.]

Rule 6(b)(1) allows for a party to move for an enlargement of time, the determination of which lies with the presiding court. "The Court has inherent power and discretion to control its docket, and the proceedings within the cases on its docket." *Ford v. County of Missoula, Mont.*, 2010 WL 2674036, 1 (D.Mont., 2010) (citing *Landis v. North American Co.*, 299 U.S. 248, 254 (1936); see also Fed.R.Civ.P. 6(b) (advisory committee note, 1946) ("Rule 6(b) is a rule of general application giving wide discretion to the court to enlarge these time limits or revive them after they have expired . . .").

Because the EMC will not be held until May 10, 2013, Defendant is requesting a six-week extension of the stay and to file the 90-Day Stay Report, to and including May 20, 2013, for the purpose of avoiding unnecessary motion practice before the mediation and in order to report the results of the mediated negotiation efforts which will take place in May. This request is made in good faith and not for purposes of delay.

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1 **III. CONCLUSION**

2 Pursuant to Fed.R.Civ.P. 6(b), because good cause has been shown, Defendant
3 respectfully requests that the Court enlarge the stay and the time by which his counsel, the
4 Office of the Attorney General, must file the 90-Day Stay Report to and including May 20,
5 2013.

6 Dated this 8th day of April, 2013.

7 Respectfully submitted,

8 CATHERINE CORTEZ MASTO
9 Nevada Attorney General

10 By: /s/ Raelene K. Palmer
11 RAELENE K. PALMER
12 Deputy Attorney General
13 Public Safety Division
14 *Attorneys for Defendant*

15 "IT IS SO ORDERED:

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17 UNITED STATES MAGISTRATE JUDGE

18 DATED: April 8, 2013
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CERTIFICATE OF SERVICE

I, Kimie S. Beverly, hereby certify that I am an employee of the State of Nevada, Office of the Attorney General and that on the 8th day of April, 2013, I served the foregoing **MOTION TO EXTEND STAY AND ENLARGE TIME (FIRST REQUEST)** by causing a true and correct copy thereof to be filed with the Clerk of the Court using the CM/ECF system and by causing a true and correct copy thereof to be delivered to the Department of General Services, for mailing at Las Vegas, Nevada, addressed to the following:

RICHARD DENNIS SAUER #1074595
HIGH DESERT STATE PRISON
P.O. Box 650
INDIAN SPRINGS, NV 89070
Plaintiff, pro se

/s/ Kimie S. Beverly
An employee of the Office of the Attorney General